

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 2.2-3708 of the Code of Virginia, relating to electronic
2 communications meetings under the Virginia Freedom of Information Act.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 2.2-3708 of the Code of Virginia is amended and reenacted as follows:**

5 § 2.2-3708. Electronic communication meetings.

6 A. It shall be a violation of this chapter for any political subdivision or any governing
7 body, authority, board, bureau, commission, district or agency of local government or any
8 committee thereof to conduct a meeting wherein the public business is discussed or transacted
9 through telephonic, video, electronic or other communication means where the members are
10 not physically assembled. Nothing in this section shall be construed to prohibit the use of
11 interactive audio or video means to expand public participation.

12 B. For purposes of this section, "public body" means any public body of the
13 Commonwealth, but excludes any political subdivision or any governing body, authority, board,
14 bureau, commission, district or agency of local government.

15 For purposes of this section, "electronic communications means" means any audio or
16 combined audio and visual communication method.

17 State public bodies may conduct any meeting, ~~except closed meetings held pursuant to~~
18 ~~§ 2.2-3711,~~ wherein the public business is discussed or transacted through ~~telephonic or video~~
19 electronic communication means. Where a quorum of a public body ~~of the Commonwealth~~ is
20 ~~physically assembled present~~ at one or more locations (i) in Virginia and (ii) open and
21 accessible to the public for the purpose of conducting a meeting authorized under this section,
22 additional members of such public body may participate in the meeting ~~through telephonic~~
23 ~~means provided such participation is available to the public from locations that are not (i) in~~
24 Virginia or (ii) open and accessible to the public.

C. Notice of any meetings held pursuant to this section shall be provided at least 30
seven working days in advance of the date scheduled for the meeting. The notice shall include
the date, time, place and purpose for the meeting and shall identify the locations for the
meeting. ~~All locations for the meeting shall be made~~ that are accessible to the public. All
persons attending the meeting at any of the meeting locations shall be afforded the same
opportunity to address the public body ~~as persons attending the primary or central location.~~
Any interruption in the telephonic or video broadcast of the meeting shall result in the
suspension of action at the meeting until repairs are made and public access restored.

~~Thirty-day~~ Seven working days notice shall not be required for telephonic or video
meetings continued to address an emergency as provided in subsection F or to conclude the
agenda of ~~a telephonic or video~~ electronic communication meeting of the public body for
which the proper notice has been given, when the date, time, place and purpose of the
continued meeting are set during the meeting prior to adjournment.

~~The public body shall provide the Virginia Information Technologies Agency with notice
of all public meetings held through telephonic or video means pursuant to this section.~~

D. An agenda and materials that will be distributed to members of the public body and
that have been made available to the staff of the public body in sufficient time for duplication
and forwarding to all locations where public access will be provided shall be made available to
the public at the time of the meeting. Minutes of all meetings held by ~~telephonic or video~~
electronic communication means shall be recorded as required by § 2.2-3707. Votes taken
during any meeting conducted through ~~telephonic or video~~ electronic communication means
shall be recorded by name in roll-call fashion and included in the minutes, if minutes are
required. ~~In addition, the public body shall make an audio recording of the meeting, if a
telephonic medium is used, or an audio/visual recording, if the meeting is held by video means.
The recording shall be preserved by the public body for a period of three years following the
date of the meeting and shall be available to the public.~~

51 E. ~~No more than 25 percent of all meetings held annually by a public body, including~~
52 ~~meetings of any ad hoc or standing committees, may be held by telephonic or video means.~~
53 Any public body that meets by ~~telephonic or video~~ electronic communication means shall file
54 with the Virginia ~~Information Technologies Agency~~ Freedom of Information Advisory Council
55 and the Joint Commission on Technology and Science by ~~July~~ December 1 of each year a
56 statement identifying the total number of electronic communication meetings held during the
57 preceding ~~fiscal~~ year; the dates ~~and purposes on which~~ of the meetings; the number of sites
58 for each meeting; the types of electronic communication means by which meetings were held;
59 the number of participants, including the members of the public, at each meeting; the number
60 of remote participants; a summary of any public comment received about the electronic
61 communication meetings; and a written summary of the public body's experience using
62 electronic communication meetings, including its logistical and technical experience ~~were held~~
63 ~~and the number and purpose of those conducted through telephonic or video means.~~

64 F. ~~Notwithstanding the limitations imposed by subsection E, a~~ A public body may meet
65 by telephonic or video means ~~as often as needed~~ if an emergency exists and the public body is
66 unable to meet in regular session. Public bodies conducting emergency meetings through
67 ~~telephonic or video~~ electronic communication means shall comply with the provisions of
68 subsection D requiring minutes, ~~recordation and preservation of the audio or audio/visual~~
69 ~~recording of the meeting~~. The nature of the emergency shall be stated in the minutes, if
70 minutes are required.

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